

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**January 23, 2003**

DIVISION ONE

B158682      Ashcroft Development, Inc.      (Not for Publication)  
                 v.  
                 Adrian Aiache, et. al.

The order is reversed. Appellant(s) to recover costs.

Spencer, P.J.

We concur:    Ortega, J.  
                 Vogel (Miriam A.), J.

B158162      Los Angeles County, D.C.S.      (Not for Publication)  
                 v.  
                 Carol K.

The order under review is affirmed.

Mallano, J.

We concur:    Ortega, Acting P.J.  
                 Vogel (Miriam A.), J.

B158837      Los Angeles County, D.C.S.      (Not for Publication)  
                 v.  
                 Lavelle C.

The orders of May 6, 2002, and May 7, 2002, are affirmed.

Mallano, J.

We concur:    Spencer, P.J.  
                 Ortega, J.

January 23, 2003 (Continued)

## DIVISION ONE (Continued)

[illegible]

The judgment is affirmed.

Mallano, J.

We concur: Spencer, P.J.  
Vogel (Miriam A.), J.

B150239 Patricia Ringgold (Not for Publication)  
v.  
Harvey Baker

The judgment is affirmed. Respondent(s) to recover costs.

Spencer, P.J.

We concur: Ortega, J.  
Vogel (Miriam A.), J.

B136351 Keith Hoffman, et al. (Not for Publication)  
v.  
Princess Cruises, Inc.

The judgment is affirmed. Respondent(s) to recover costs.

Spencer, P.J.

We concur: Ortega, J.  
Vogel (Miriam A.), J.

B156764      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
DeJuana C., et. al.

The order is affirmed.

Spencer, P.J.

I concur: Ortega, J.  
I concur in the judgment: Vogel (Miriam A.), J.

DIVISION TWO

Court convened at 9:00 AM

Present: Boren, P.J., Nott, J., Doi Todd, J., Ashmann-Gerst, J. and Jim Guzman, Deputy Clerk.

Each of the following:

B155875 Mezquita v. Hungate  
B157971 People v. Adrian R.  
B156334 People v. Avila  
B155867 People v. Broussard  
B157362 People v. Rodriguez  
B154559 People v. Elam  
B155172 People v. Lavender  
B155131 People v. Sanchez-Esquivel and Mora  
B155955 People v. Hinds  
B162786 In re: Kristy R. et al.

Argument waived, cause submitted.

B157050     Falahati  
              v.  
              Savay

Merits:  
Argued by Hadi Falahati appellant in propria persona. Respondents previously waived oral argument. Cause submitted.

B153284     Weber  
              v.  
              UPS, Inc.

Merits:  
Argued by Arlan Cohen for appellant and by Steven Zadravec for respondent. Cause submitted.

DIVISION TWO (Continued)

B147940     Bush  
              v.  
              Edison International

Merits:  
Argued by Gretchen Fusilier for appellant and by John Buchanan for respondents. Cause submitted.

B153534     Kleven  
              v.  
              Leonard

Merits:  
Argued by Susan Clary for appellant and by Jonathan Trevillyan for respondent. Cause submitted.

Court in recess

Court reconvened at 12:45 PM

Present: Boren, P.J., Nott, J., Doi Todd, J., Ashmann-Gerst, J. and Jim Guzman, Deputy Clerk.

B155233     Laday  
              v.  
              Los Angeles County, D.C.S.

Merits:  
Argued by Russell Clampitt for appellant and by Kenneth Scholtz for respondent. Cause submitted.

B158488     Los Angeles County, D.C.S.  
              v.  
              Angelica G.

Merits:  
Argued by Pamela Landeros for appellant and by Janette Cochran and Melissa Chaitin for respondents. Cause submitted.

DIVISION TWO (Continued)

B153994     Alalgamated Transit Union  
              v.  
              Los Angeles County MTA

Merits:  
Argued by William Flynn for appellant and by Brian Walter for respondent.  
Cause submitted.

B154069     Remington  
              v.  
              Spielberg

Merits:  
Argued by Bruce Remington for appellant and by Jeffrey Makoff for respondents. Cause submitted.

B155548     Gilmore, et al.  
              v.  
              Lincoln Memorial Park, Inc.

Merits:  
Argued by Aaron Capps for appellants and by Anthony DiMonte for respondent. Cause submitted.

B157438     Bonnaud, et al.  
              v.  
              Superior Court, Los Angeles County  
              (Liker, r.p.i.)

Merits:  
Argued by Paul Fogel for petitioners and by Hillel Chodos for real parties in interest. Cause submitted.

Court adjourned.

DIVISION THREE

B154170 People (Not for Publication)  
v.  
Diaz

The judgment is modified by striking the stay of the Penal Code section 667.5, subdivision (b), enhancement based on the 1987 conviction for a violation of Health and Safety Code section 11350 (case No. A471055), and the matter is remanded to permit the trial court to exercise its discretion to impose that enhancement, or strike it pursuant to Penal Code section 1385; as modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment consistent with its disposition of the enhancement, and to forward a copy of said amended abstract of judgment to the Department of Corrections.

Croskey, J.

We concur: Klein, P.J.  
Kitching, J.

## DIVISION FOUR

B156986 People (Not for Publication)  
v.  
Martinez

For the foregoing reasons, the judgment is affirmed.

Epstein, Acting P.J.

We concur: Hastings, J.  
Curry, J.

B155264 People (Not for Publication)  
v.  
Jacko

For the foregoing reasons, the judgment is affirmed.

Epstein, Acting P.J.

We concur: Hastings, J.  
Curry, J.

DIVISION FIVE

[illegible]

The judgment is affirmed.

Turner, P.J.

We concur:   Armstrong, J.  
                      Mosk, J.

B157663      People      (Certified for Partial Publication)  
v.  
Marcos Estrada

The order denying the pre-Franks hearing discovery is reversed. The judgment is conditionally reversed to allow the trial court to proceed as discussed in the body of this opinion.

Turner, P.J.

We concur: Grignon, J.  
Armstrong, J.

B156960      People                                  (Not for Publication)  
v.  
Vincent Hwang

The judgment is affirmed.

Grignon, J.

We concur:   Turner, P.J.  
                      Mosk, J.

[illegible]

The judgment is affirmed.

Grignon, Acting P.J.

We concur:   Armstrong, J.  
                      Mosk, J.

DIVISION FIVE (Continued)

B155073      People                                  (Not for Publication)  
v.  
Jong Mok Choe

The matter is remanded for a determination of whether appellant personally withdrew his plea of not guilty by reason of insanity, and for sanity phase proceedings, if necessary. The judgment of conviction is affirmed in all other respects.

Armstrong, J.

We concur: Grignon, Acting P.J.  
Mosk, J.

## DIVISION SIX

B157675 People (Not for Publication)  
v.  
Jonathan C.

The judgment is affirmed.

Perren, J.

We concur: Yegan, Acting P.J.  
Coffee, J.

B158471      Hoff                          (Not for Publication)  
v.  
True

The judgment is affirmed. Costs on appeal are awarded to respondent.

Coffee, J.

We concur: Gilbert, P.J.  
Perren, J.



January 23, 2003 (Continued)

## DIVISION SIX (Continued)

B159112      Teodor  
v.  
City of San Buenaventura

Filed order dismissing the appeal (notice of appeal filed 5-3-02), removing this matter from calendar and denying appellant's request for judicial notice as moot.

## DIVISION EIGHT

B155109 People (Certified for Publication)  
v.  
Minsky

The judgment is affirmed.

Rubin, J.

We concur: Cooper, P.J.  
Boland, J.

B158537      Bussard      (Certified for Publication)  
v.  
Minimed, Inc.

The judgment is reversed and the court is directed to enter a new and different order denying respondent Minimed Inc.'s motion for summary judgment. Appellant to recover her costs on appeal.

Rubin, J.

We concur: Cooper, P.J.  
Boland, J.

B155788 Mitchell Silberberg & Knupp, LLP  
v.  
Edward Cohen

On the Court's own motion, the Appeal (notice of appeal filed November 27, 2001) is dismissed for lack of jurisdiction.